

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, August 16, 2005

Tuesday, 9:11 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Martz, Schlapp, Skelton; present.

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

Rev. Elisha Verge, North Ash Church of the Nazarene, 1245 N. Ash, gave the invocation.

The pledge of allegiance was participated in by the Council Members, staff, and guests.

The Minutes of the August 9, 2005 meeting were approved 7 to 0.

AWARDS AND PROCLAMATIONS

Proclamation Project Redirectory Days-Kay Drenna, Patsy Weiser and Randi Hedrick.

Mayor Mayans read aloud the proclamation.

Recognition Mayor Mayans and Council Members recognized and thanked Tracy Guidry for her work in the City Council Office and wished her well with her new position with the Finance Department.

PUBLIC AGENDA

Dan Brooks Dan Brooks, District Judge-Downtown transportation and the new arena.

Judge Brooks stated that he is here today as a citizen and that he came to talk about the new arena and the planning process for it. Stated that he is optimistic about it and confident that it will be run well and will be a success in terms of its own operation a lot sooner than the pessimists might say. Stated that this is an opportunity to use the arena as a keystone for a comprehensive downtown transportation plan. Stated that he suggests that in planning this that the most important thing to think of, is for this as a car exchanger, a place where people will come and intuitively know where to go and leave their car and have the freedom of downtown. Stated that this is bigger than the arena and this is where we are going with transportation to make cars and downtown Wichita work together and work for the next 50 years. Stated that if you have a downtown transportation system that works, then you no longer have to use half of downtown for parking, which would double the amount of land that you would have available for development. Stated that downtown will never work unless there are people living down there. Stated that he thinks this is a priceless opportunity and encourages the Council to strongly look at this during their planning process.

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Marydel Grayum

Marydel Grayum-Progress Report for the ProKS/Miller Recycling Center's first year of operation.

Ms. Grayum thanked the Council for their support that they have received for recycling. Stated that Saturday, August 20, 2005, the Miller Recycling Center will celebrate its first year anniversary. Stated that this will be a day that many thought would never happened and would not have been possible had the City Council not allowed them the use of a City owned building that might otherwise have stood empty. Stated for them, recycling is a matter of quality of life. Stated that she has had a chance to visit with many of the people who come through the center and many have expressed their frustration with the apparent ambivalence of the local government bodies regarding recycling. Stated that citizens often feel that they have no voice and decisions made by national, state, county or local governments and recycling is their one chance to demonstrate their commitment to a better Wichita. Stated that the City Council can do the following things to show their support for recycling: 1) continue to furnish a facility for the recycling efforts; 2) truly support recycling by City departments; 3) see that plastic bottles and cans are collected at the River Festival and the Kansas Flight Festival in addition to the local fund raisers that use public parks and streets; 4) it would be helpful if they could borrow a traffic counter from the Public Works Department so that they could get an accurate count of the number of vehicles entering their facility each month and 5) to see changes in the sanitation regulations that would give financial relief to citizens who choose to recycle, instead of commissioning a study, allow citizens and representatives from the private companies who currently provide trash services to explore equitable options.

James Joe

James Joe-Concerned Citizen that is troubled by the political activism toward the same status quo pro-government ideology and policies put forth by this body.

Mr. James stated that he is troubled by political activism toward the same status quo pro-government ideology and policies put forth by this body. Asked the Council to stop playing landlords and business proprietors and wasting the people's money on failed projects, such as the Hyatt, Ice Rink, Indian Center, Kansas Coliseum, Exploration Place, Century II and most probable the new downtown arena. Asked that the Council quit investing in government and begin investing in the people that they represent and spur the economic growth the way it has always proved to work, which is through the expertise of the private sector. Asked that the tax rate for businesses be lowered and the City will begin to attract businesses. Stated that pro-government policies must stop.

CONSENT AGENDA

Motion--carried

Mayans moved that the Consent Agenda be approved as presented. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED AUGUST 15, 2005.

BOARD OF Bids were opened August 12, 2005, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Improve Tyler and Yosemite Intersection by adding a left turn lane on Tyler road, extend the reinforced box culvert under Yosemite to accommodate paving and include guardrail and pavement marking - Tyler Road and Yosemite. (87N-0239-01/472-84176/706917/205383) Two-way traffic to be maintained during construction. (District IV)

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Cornejo & Sons Construction - \$225,018.72 (Upon KDOT approval)

2 Inch Water Line in 143rd Street East - along 143rd St. from 1/4 mile south of Cardinal to Central Avenue. (448-89796/633760/753847) Traffic to be maintained during construction by using flagpersons and barricades. (District II)

Nowak Construction - \$155,422.50

26th Street Circle North to serve Regency Park 3rd Addition - south of 39th, west of Greenwich. (472-84241/765946/490059) Traffic to be maintained during construction by using flagpersons and barricades. (District II)

APAC – Kansas Inc - \$145,211.60

Construction of left turn lanes on Harry & Longford (472-83998/706907/204373) Traffic to be maintained during construction by using flagpersons and barricades. (District II)

Cornejo & Sons Construction - \$163,434.00

Motion--

Mayans moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

INFORMATION TECHNOLOGY/TELECOM: PRI Trunking

Telcove - \$4,665.80*(Group 1/Total Net Bid - Alternate B)

Telcove - \$0.00 (Group 1/Total Net Bid - Alternate C – no charge)

Telcove - \$0.00 (Group 1/Total Net Bid - Alternate D – no charge)

*Estimate – Contract approved on unit cost basis.

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Roof, Furnace & HVAC Replacement Hope Street

Don Vaughn - \$38,600.00 (Group 1/Total Net Bid)

Larry Walty Roofing & Guttering Inc - \$14,400.00 (Group 2/Total Net Bid)

WICHITA PUBLIC LIBRARY/BRANCHES: Janitorial Cleaning – Branch Libraries

Kleenco - \$36,693.05 (Group 1/Total Net Bid)

*Estimate – Contract approved on unit cost basis and other requirements as needed.

Motion--

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

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CMB LICENSES

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2005</u>	<u>(Consumption on Premises)</u>
Paul A. Oropesa	L.W. Clapp Municipal Golf Course*	4611 East Harry
Armando De Santiago	El Perron II*	3824 East Harry
Heather L. Soria	Cholita's Mexican Restaurant Inc.*	8987 West Central
<u>Renewal</u>	<u>2005</u>	<u>(Consumption off Premises)</u>
Stan Edde	Falley's Inc DBA Food 4 Less #18	6727 West Central
Stan Edde	Falley's Inc, DBA Food 4 Less #23	2141 South Meridian Street
Stan Edde	Falley's Inc, DBA Food 4 Less #38	640 North West Street
Stan Edde	Falley's Inc, DBA Food 4 Less #37	3020 East Douglas
John F. Boyd	Oscos Drug Store #5111	2323 North Amidon
John F. Boyd	Oscos Drug Store # 5135	4035 East Harry Street
John F. Boyd	Oscos Drug Store # 5132	2501 South Seneca
<u>New Establishment</u>	<u>2005</u>	<u>(Consumption on Premises)</u>
German Granados	Usulutco Restaurant*	1714 East Northern

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--
--carried

Mayans moved that the Licenses, subject to Staff review and approval, be approved. Motion carried 7 to 0.

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) 2005-2006 CDBG Street, Curb, Gutter and Sidewalk Improvements (Concrete Repairs) (north of 11th Street North, east of Washington) (472-84162/92005/800502) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$257,830
- b) 2005 Sanitary Sewer Rehab Phase D (various locations) (468-84028/620439/665559) Traffic to be maintained during construction using flagpersons and barricades. (District I, II, III, IV, VI) - \$263,000

Motion--carried

Mayans moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

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WATERFRONT ADD. PETITIONS FOR PUBLIC IMPROVEMENT: PETITION AND SUPPLEMENTAL DESIGN AGREEMENT FOR A STORM WATER DRAIN IN THE WATERFRONT ADDITION, NORTH OF 13TH STREET, EAST OF WEBB. (DISTRICT II)

Agenda Report No. 05-0753

On March 22, 2005, the City Council approved a Petition for drainage improvements in The Waterfront Addition. During the design stage, the developer and the developer's design consultant have requested that the scope of the project be increased to add lake edge erosion material to protect a detention pond and ditch. The developer has submitted a new Petition with an increased budget to pay for the additional cost. The signature on the Petition represents 100% of the improvement district. A supplemental design agreement with MKEC Consultant Engineers, have been prepared for the additional design work.

The Waterfront Addition is a new commercial development located north of 13th Street, east of Webb.

The existing Petition totals \$160,000. The new Petition totals \$290,000. The funding source is special assessments. The supplemental design fee is \$9,700.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district. The Law Department has approved the supplemental design agreement as to legal form.

Motion--
--carried

Mayans moved that the Petition and Agreement be approved; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 05-424

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain Number 250, (north of 13th, east of Webb) 468-83950, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures to consider.

AGREEMENTS/CONTRACTS:

MASTER PLAN WATER MASTER PLAN. - SUPPLEMENTAL AGREEMENT.

Agenda Report No. 05-0754

On June 2, 2003, the City Council approved a Contract with Burns & McDonnell Engineering Co. to provide engineering and design services for the five-year update of the Water Master Plan. The Agreement for the update was in the amount of \$114,711.

The proposed Supplemental Agreement includes additional engineering services necessary to recalibrate the existing raw water model to accurately reflect changed conditions in the raw water system. The raw water model is used to predict operation of the raw water system under differing system conditions, such as high demand, in order to optimize operations and identify deficiencies in the physical system that need to be addressed.

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Funding for the project is included in CIP W-526, Water Master Plan, which has available funding of \$368,372. The cost of Supplemental Agreement No. 1 will not exceed \$32,581.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

29th STREET NORTH. SUPPLEMENTAL AGREEMENT - 29TH STREET NORTH, TYLER TO RIDGE. (DISTRICT V).

Agenda Report No. 05-0755

On May 20, 2003, the City entered into an Agreement with Cook, Flatt & Strobel Engineers, P.A. (CF&S) for designing improvements to 29th Street North from Tyler to Ridge for a design fee of \$129,958.

Additional survey and design services are needed to correct offsite drainage problems associated with the paving of 29th street. The proposed Supplemental Agreement provides for the additional design services.

Payment to CF&F will be on a lump sum basis of \$5,970, and will be paid by General Obligation Bonds.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

ST. RESURFACING STREET RESURFACING PROJECT ON KELLOGG, FROM THE KANSAS TURNPIKE CROSSING EAST OF WEBB TO THE EAST CITY LIMITS. (DISTRICT II)

Agenda Report No. 05-0756

The Kansas Department of Transportation (KDOT) has available a street resurfacing (KLINK) program for cities which have highway connecting links within the their city limits. The KLINK program is intended for resurfacing improvements on the connecting links, which are maintained by the cities.

KDOT has advised the City of Wichita that KLINK Fiscal year 2008 funds in the amount of \$200,000 is available. The program requires recipient cities to provide matching funding.

It is proposed that the KDOT 2008 fiscal year funding be used to resurface Kellogg, from the Kansas Turnpike crossing east of Webb to the east city limits.

Funding in the amount of \$200,000 will be programmed in the Street Maintenance Operating budget for the local portion of the cost of this project.

Motion--
--carried

Mayans moved that the application be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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DRAINAGE OUTFALL DESIGN SERVICES FOR 1ST AND 2ND STREET EAST DRAINAGE OUTFALL. **(DISTRICT I)**

Agenda Report No. 05-0757

The Capital Improvement Program includes funding for a new major drainage outlet between the Wichita Drainage Canal, the railroad underpasses on 1st and 2nd Streets, and Old Town.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of the 1st and 2nd Street East Drainage Outfall. The Staff Screening and Selection Committee selected Baughman for the design on April 18, 2005.

Payment to Baughman will on a lump sum basis of \$237,500, and will be paid by General Obligation Bonds.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

REGENCY PARK

DESIGN SERVICES FOR REGENCY PARK THIRD ADDITION, SOUTH OF 29TH STREET NORTH, WEST OF GREENWICH. (DISTRICT II)

Agenda Report No. 05-0758

The City Council approved the water distribution system, sanitary sewer and paving improvements in Regency Park Third Addition on June 14, 2005.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond-financed improvements consisting of water, sanitary sewer and paving in Regency Park Third Addition. Per Administrative Regulation 7a, staff recommends that MKEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to MKEC will be on a lump sum basis of \$21,400, and will be paid by special assessments.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

PROPERTY ACQ.

PROPERTY ACQUISITION: 2348 SOUTH GREENWOOD STREET FOR PAWNEE WIDENING IMPROVEMENT PROJECT FROM WASHINGTON TO HYDRAULIC. **(DISTRICT III)**

Agenda Report No. 05-0759

On October 21, 2003, the City Council approved the improvement and widening of Pawnee from Washington to Hydraulic. The project will require partial or total acquisition of 21 parcels, of which 15 are single-family residences. The 13th of the 15 residential acquisitions is a 762 square foot single-family residence at 2348 South Greenwood Street. The property is frame construction with two bedrooms and one bath. The property is currently vacant.

The property appraised for \$50,000. In addition, the owner is entitled to up to \$22,500 in relocation benefits. The owner has agreed to accept \$50,000 for the property. The improvements will be removed and the site utilized for widening Pawnee, placement of the sidewalk and landscaping.

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The funding source for the project is General Obligation bonds and Federal monies. A budget of \$78,000 is requested. This includes \$50,000 for the acquisition, \$22,500 for relocation, \$5,000 for demolition and \$500 for title work and closing costs.

Motion--
--carried

Mayans moved that the budget be approved and the necessary signatures be authorized. Motion carried 7 to 0.

FIDELITY BANK

FIDELITY BANK RESOLUTIONS AND COLLATERAL AGREEMENT.

Agenda Report No. 05-0760

The City has had an ongoing relationship with Fidelity Bank since 1976 to process and service the Neighborhood Improvement Revolving Loan program transactions. Over the years, this program has transitioned through many departments. As a result some financial documents have either not been initiated or cannot be located. To resolve this, the banking resolutions for your review and approval formally appoint Fidelity Bank as a banking services provider and authorizes the necessary agreements to be signed. The tri-party collateral agreement is required anytime funds on deposit exceed FDIC insurance amounts.

The resolution authorizes the City Manager to enter into agreements and set the terms of the banking arrangements subject to Department of Finance specifications and approval by the Department of Law. It also delegates individual authority with respect to specific duties required for banking transactions and good internal controls.

The banking fees associated with this program are borne by the loan participants.

Motion--
--carried

Mayans moved that the Resolution be adopted; the agreement be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 05-442

A resolution relating to the selection of Fidelity Bank, as a Banking Services provider and updating authorizations for the preparation, execution and delivery of necessary agreements in connection therewith.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ AUGUST 9, 2005).

a) Improvement of Oliver, Harry to Kellogg. (District III)

ORDINANCE NO. 46-648

An Ordinance amending Ordinance No. 46-172 of the City of Wichita, Kansas declaring Oliver, between Harry and Kellogg (472-84018) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

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- b) Sidewalk repair. (Districts I, III, IV, V, VI)

ORDINANCE NO. 46-647

An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of construction of sidewalks in the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

- c) Schedule of rates and charges for water service.

ORDINANCE NO. 46-649

An Ordinance amending Section 17.12.090 of the Code of the City of Wichita, Kansas, pertaining to schedule of rates and charges for water service, and repealing the original of said Section, read for the second time. Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 2. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, (Nays Skelton, Mayans).

- d) Schedule of rates for users of the sanitary sewer system.

ORDINANCE NO. 46-650

An Ordinance amending Section 16.14.040 of the Code of the City of Wichita, Kansas, relating to the schedule of rates for users of the sanitary sewer system, and repealing the original of said Section, read for the second time. Fearey moved that the Ordinance be placed upon its passage and adopted. Motion carried 5 to 2. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, (Nays Skelton, Mayans).

- e) ZON 2004-62 - west of Tyler and south of Kellogg. (District IV)

ORDINANCE NO. 46-646

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans. (ZON 2004-62)

UNFINISHED BUSINESS

WATER SUPPLY

WATER SUPPLY PLAN-MODIFIED.

(Continued October 3, 2000)

Dave Warren

Director of Water and Sewer reviewed the item.

Agenda Report No. 05-0761

On October 3, 2000, the City Council approved and instructed Staff to begin implementation of the Concept Design Plan for the Integrated Local Water Supply Plan. The Integrated Local Water Supply Plan (ILWS) includes the use of a number of local water supply sources that will be used together to meet water supply needs through the year 2050.

Since the plan's approval, Staff has continued to evaluate alternative treatment technologies to see if the use of any would help optimize components of the plan. On March 25, 2003, the City Council approved a Supplemental Agreement with Burns & McDonnell for services necessary to run the computer model to evaluate the results of pilot work on the alternate treatment technologies.

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Many of the water sources are not firm supplies, in that they are not consistently available, but available periodically. To evaluate whether the supply sources would be adequate to meet future water supply needs, and to determine the combination of sources that would be the most cost-effective, Staff with Burns & McDonnell developed a computerized operations model. Since completion of the ILWS Plan, there have been advances in treatment technology and reductions in the cost of technology, such as ballasted flocculation and reverse osmosis. These present an opportunity to reduce costs.

Following the completion of the Reverse Osmosis Feasibility Study, Burns & McDonnell completed evaluation of the alternatives and included them in an Operations Modeling and Economic Evaluation. The evaluation first considered several alternatives that included the use of water from the Arkansas River, and evaluated whether they would improve water availability. The evaluations assumed using reverse osmosis treatment on water obtained from the river that could be acquired any time flows in the river exceeded 50 cubic feet per second. The same analysis was performed with the assumption that flows in the river had to be at least 100 cubic feet per second before water could be diverted.

Seven (7) scenarios were evaluated with the aide of a computer model to compare impacts on available water supplies during extreme drought conditions. The evaluation determined that the only scenario that improved water supply availability during extreme drought is one that could capture and treat up to 30 million gallons per day (mgd) of river water at a site near 21st Street and Hoover. A water treatment plant is planned at the 21st Street and Hoover site as part of the ILWS Plan.

The modification to the ILWS Plan would include:

1. Ability to divert 30 mgd from the Arkansas River
2. A 30 mgd reverse osmosis treatment plant
3. No changes in the amount of water acquired from Cheney Reservoir
4. An ASR project with a capacity to capture and recharge up to 75 mgd (a reduction of 25 mgd in the size of the ASR project)
5. Acquire 10 mgd from the Bentley wellfield during peak summer days
6. Expansion of 15 mgd in the local wellfield (reduced from original expansion of 45 mgd)
7. Continued water conservation

This scenario includes using the reverse osmosis as the first phase of the anticipated 65 mgd water treatment plant at 21st Street and Hoover, with reverse osmosis being used to treat water from the Equus Beds when river flows are too low to be diverted.

In addition to evaluating the use of reverse osmosis to treat water from the Arkansas River, Staff has been considering and testing other treatment technologies that could be used as part of the ASR project. This evaluation included an economic analysis of the various treatment alternatives that have been considered and tested to determine if they would result in lower costs, as well as the impact of adjusting the quantities of water captured directly from the river, or from diversion wells adjacent to the river.

The original concept was to capture up to 100 mgd from the Little Arkansas River, with 75 mgd captured with diversion wells and 25 mgd captured with a surface water diversion. The evaluation compared the original concept with options to:

1. Capture 10 mgd with wells and 90 mgd with a surface water diversion.
2. Capture 40 mgd with wells and 60 mgd with a surface water diversion.
3. Capture 15 mgd with wells and 60 mgd with a surface water diversion along with 20 mgd of from the Arkansas River (RO treatment)
4. Capture 15 mgd with wells and 60 mgd with a surface water diversion along with 30 mgd of from the Arkansas River (RO treatment)

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The analysis included evaluating construction costs of the options and ongoing operation and maintenance costs for the various treatment schemes. This information is best displayed by comparing present value costs for each scheme showing the combination of the construction costs, and the anticipated operation and maintenance costs through the year 2050.

The Operations Modeling and Economic Evaluation considered the impact of arsenic treatment on water diverted from wells. Some of the test wells located near the Little Arkansas River contained native arsenic levels in excess of the new drinking water standard of 10 parts per billion. The analysis included the financial impact if additional treatment is used to remove arsenic before the water is recharged. It was determined that the overall costs of the 40/60 alternative and the 15/60 with 20 mgd of Arkansas River alternative had the lowest costs, with 40/60 alternative being slightly lower, even with arsenic treatment included.

One consideration, not included in the cost evaluation, is access to sites to install the wells adjacent to the river. To implement the original 75/25 option, approximately 53 wells would need to be installed along the Little Arkansas River. The 40/60 option reduces the number of required wells to approximately 28. A reduction in well sites will provide flexibility in selecting and negotiating for sites and help reduce opposition by agricultural producers in the project area, consequently, reducing acquisition costs.

The recommended revision is based on the analysis in the Operations Modeling and Economic Evaluation and the conditions in the MOU with the Groundwater Management District. Staff recommends that the ILWS Plan be modified to pursue the 40/60 option, with Phase 2 of the ASR based on capturing and recharging 30 mgd of surface water. Also recommended is that reverse osmosis technology be re-evaluated, prior to Phase 3 of the ASR project, to determine if advances in technology improve the cost-effectiveness of reverse osmosis treatment.

Costs for the original 75/25 and 40/60 ASR plans are essentially the same, at \$137 million and \$138 million respectively, if arsenic treatment is not needed. If arsenic treatment is required, the 75/25 plan will increase by approximately \$21 million, the 40/60 plan by \$12 million.

The Capital Improvement Program includes \$7 million in 2005 and \$22.88 million in 2006 for W-549, Water Supply Plan. The estimated cost for the portion of the ILWS Plan, as outlined for the next two years, is \$17 million.

There are no legal considerations.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Mayans moved that Council the Operations Modeling and Economic Evaluation be received and filed; the modification of the Integrated Local Water Supply Plan approved; the expenditures approved; the Resolution adopted; and the necessary signatures authorized. Motion carried 7 to 0.

--carried

RESOLUTION NO. 05-425

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the city, and to issue revenue bonds in a total principal amount which shall not exceed \$17 Million exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

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NEW BUSINESS

BUTTON TREE APTS. AMENDMENT OF INDUSTRIAL REVENUE BOND DOCUMENTS, BUTTONWOOD TREE APARTMENTS. (DISTRICT II)

Lisa Jones

Industrial Analyst reviewed the item.

Agenda Report No. 05-0762

In April 2002, the City Council approved the issuance of its Multi-Family Housing Revenue Bonds in the amount of \$7,750,000 for the purpose of acquiring and rehabilitating an existing 216-unit apartment project known as Buttonwood Tree Apartments, located at 9211 East Harry in southeast Wichita. The Bonds were sold in a private placement. The City Council also approved the developer's application for Low-Income Housing Tax Credits in connection with the Project. The Project was leased to Buttonwood Tree Apartments, LLC (the "Company") and the Company's obligations under the Bond Lease were additionally secured by a note and mortgage in favor of the City. In connection with the financing, the Company entered into a Repair Agreement with the Bondholder Representative and mortgage loan servicer that provided that certain repairs would be made to the property and certain other conditions would be met prior to an expected conversion of the note to permanent financing terms.

Although the Project has been acquired and rehabilitated by the Company and is being operated as an affordable housing project, the Company has failed to meet all the conditions to conversion contained within the Repair Agreement and is therefore in technical default under the financing documents. The Bondholder Representative has negotiated a workout agreement with the Company which includes interest rate modifications, an extension of the conversion date to August 1, 2007, and removal of the original managing member of the Company and its replacement by Affordable Multi-Family, LLC, as affiliate of the tax credit investor limited partner. In connection with the workout, the Company and Bondholder Representative are requesting that the City amend the Bond Indenture to modify the interest rate on the Bonds and consent to conforming modifications to the other financing documents and an amendment to the mortgage note.

There is no financial impact on the City resulting from the amendment.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Schlapp moved that the Ordinance approving the requested amendments be placed on first reading.
Motion carried 7 to 0.

ORDINANCE

An Ordinance authorizing the City of Wichita, Kansas to amend its Trust Indenture dated as of April 1, 2002, and other related documents pertaining to its Multi-family Housing Revenue Bonds Series I, 2002 that were issued for the purpose of providing funds to acquire and rehabilitate a residential rental facility located in the City of Wichita, Kansas; and prescribing the form and authorizing execution of various documents relating thereto, introduced and under the rules laid over.

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IMP INTERSECTION: IMPROVEMENT TO INTERSECTION OF RIDGE AT MAPLE. (District V)

Jim Armour

City Engineer reviewed the item.

Agenda Report No. 05-0763

The 2005-2014 Capital Improvement Program adopted by the City Council includes a project to improve the intersection of Ridge at Maple. District V Advisory Board sponsored a May 3, 2004 neighborhood hearing on the project. The Board voted 6-0 to recommend approval of the project.

The project will provide dual left turn lanes at all four approaches to the intersection. The traffic signal system will be upgraded.

The estimated project cost is \$1,700,000 with \$500,000 paid by the City and \$1,200,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Martz moved that the Ordinance be placed on first reading; the State/Federal Agreements be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance declaring the intersection of Ridge at Maple (472-84258) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

KEYSTONE APTS.

PUBLIC HEARING: RESOLUTION OF SUPPORT FOR LOW INCOME HOUSING TAX CREDIT APPLICATION, KEYSTONE APARTMENTS. (DISTRICT III)

Mary K. Vaughn

Director of Housing and Community Services reviewed the item.

Agenda Report No. 05-0765

The City has received a request from Midwest Ventures, LLC (Midwest), for a City Council resolution of support for its application for Low-Income Housing Tax Credits in connection with the renovation of the Keystone Apartments. The State of Kansas requires developers/owners to obtain a resolution of support from the local government, when submitting applications for financing through the Low-Income Housing Tax Credit Program.

Under the City's adopted Low-Income Housing Tax Credit (LIHTC) policy, developers/owners must present proposed LIHTC projects to the applicable District Advisory Board (DAB). The policy requires a subsequent review by the Housing Advisory Board (HAB) and the City's Development Coordinating Committee (DCC). The Planning Department and the Office of Central Inspection (OCI) also review the project for design appropriateness. Once the project is reviewed and approved by the DAB, the HAB, DCC, Planning and OCI, it is forwarded to the City Council for a public hearing, with a staff recommendation regarding the resolution of support for the LIHTC application.

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On April 19, 2005, at the request of Midwest, the City Council adopted a resolution of support for a proposed LIHTC project involving a "Phase I" renovation of one-half of the units within the Keystone complex. The Council adopted the resolution following review and recommendation for approval by DAB III on March 2, 2005, the HAB, OCI and the Planning Department, in accordance with the City's LIHTC Policy. Midwest submitted an application for the tax credits but did not receive an allocation during the first round application process. The Kansas Housing Resources Corporation, administrator of the State of Kansas' LIHTC program, encouraged Midwest to re-submit its application, and recommended an increase in the project scope to include renovation of the entire apartment complex, which consists of 180 units.

The Keystone Apartments are located at 758 S. Sylvan Lane, directly north of Southeast High School. The apartment community offers one and two bedroom apartments in four-plex style structures.

The City's Low Income Housing Tax Credit Policy requires a set-aside of 20% of the units (36 total units) for market rate tenants. Midwest Ventures has agreed to comply with this requirement. Thus, the LIHTC application will provide funding toward renovation of 144 units. The proposed renovation will include replacement of exterior siding, windows and doors, roof repair, complete interior remodeling, and resurfacing of the parking lots.

The modified project plan has been reviewed by the Housing and Community Services Department. DAB III voted to approve a recommendation for adoption of the resolution of support by a 9-2 vote during its August 3, 2005 meeting. The HAB and the DCC continue to be supportive of the project.

The total project cost is estimated to be \$1,630,550. The applicant intends to finance the project utilizing funding from the sale of the tax credits in the approximate amount of \$1,135,940. The balance of the construction cost will be financed with a private bank loan in the approximate amount of \$393,812, and the owner's equity investment. The City will not directly participate in the financing of the project.

In accordance with City Council Resolution No. R-95-479, Midwest has notified property owners within 200 feet of the proposed project, in order to allow them the opportunity to provide comment to the City Council regarding the project. This resolution also requires that the Council hold a public hearing. Upon closing the public hearing, the Council may vote on a motion to approve the resolution of support for the application of low-income housing tax credits. The resolution document has been approved as to form by the City Law Department.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Skelton moved that the public hearing be closed; the Resolution be adopted and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. 05-440

A Resolution establishing support for an application for low income tax credits, as required by the State of Kansas, presented. Skelton moved that the Resolution be adopted. Motion carried 7 to 0. Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

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WINDRIDGE APTS. PUBLIC HEARING: RESOLUTION OF SUPPORT FOR LOW INCOME HOUSING TAX CREDIT APPLICATION, WINDRIDGE APARTMENTS. (DISTRICT IV)

Mary K. Vaughn

Director of Housing and Community Services reviewed the item.

Agenda Report No. 05-0766

The City has received a request from Michaels Development Company (MDC) for a City Council resolution of support for its application for Low-Income Housing Tax Credits in connection with the acquisition and renovation of the Windridge Apartments. The State of Kansas requires developers/owners to obtain a resolution of support from the local government, when submitting applications for financing through the Low-Income Housing Tax Credit Program.

Under the City's adopted Low-Income Housing Tax Credit (LIHTC) policy, developers/owners must present proposed LIHTC projects to the applicable District Advisory Board (DAB). The policy requires a subsequent review by the Housing Advisory Board (HAB) and the City's Development Coordinating Committee (DCC). The Planning Department and the Office of Central Inspection (OCI) will also review the project for design appropriateness. Once the project is reviewed and approved by the DAB, the HAB, DCC, Planning and OCI, it is forwarded to the City Council for a public hearing, with a staff recommendation regarding the resolution of support for the LIHTC application.

MDC proposes to acquire and renovate the Windridge Apartments, which are located at 2502 Wildwood Street. The apartment complex offers 136 units of one, two, three and four bedroom apartments. Amenities include common area playgrounds and a clubhouse. The project is currently subsidized under a project-based Section 8 rental assistance contract with the U.S. Department of Housing and Urban Development (HUD). Families occupying the apartments receive monthly rental assistance, based on household income level. The apartments were originally constructed in 1969, and then renovated in 1987 with funding provided through the Housing Tax Credit Program. The project has always been 100% subsidized.

The City's Low Income Housing Tax Credit Policy requires a set-aside of 20% of the units (in this case, 27 total units) for market rate tenants. MDC is asking for a waiver of this requirement. The tax credit policy allows for a reduction in market rate units if the project is to be occupied by special needs populations, or if there are extenuating circumstances, or if market conditions support a deviation from the guideline. In this case, the developer is asking for a waiver due to market conditions. According to the Market Conditions and Project Evaluation summary prepared by Novogradac and Company, units offered as market-rate would not be successful unless the entire project was re-positioned as a market-rate development. In addition, given the current surplus of market-rate product in the vicinity, it is unlikely that the project could attract market-rate tenants. Thus, rent levels for market-rate units would have to be positioned low in order to attract market-rate tenants. Should rent amounts for 20% of the units be reduced without the benefit of financing under the tax credit program, the financial viability of the project could be compromised.

The proposed renovation of the apartments will include plumbing and HVAC upgrades, new kitchen and bathroom cabinets/countertops/sinks, new flooring, new windows and roof repair. The "hard cost" of the renovation is expected to be \$2,705,300.

As required by the tax credit policy, OCI and the Planning Department have reviewed the proposed project. Additional landscaping will be required along the public streets, and new tree plantings in the open space/common areas. There will also be some requirements for the upgrading of parking and accessible routes to assure ADA parking access to ADA apartments/buildings/units, and to common areas, such as the clubhouse and the office.

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The District IV Advisory Board approved a recommendation of adoption of a resolution of support for the project during its July 6, 2005 meeting, by a 7-0 vote. The HAB also approved recommendation of adoption of a resolution during its July 20, 2005 meeting, by a 7-0 vote. The DCC has also recommended adoption of the resolution.

It should also be noted that the City Council approved adoption of a resolution of support for this project on March 16, 2004, however the investor/developer did not pursue the project.

The total project cost is estimated to be approximately \$9,225,851, including an acquisition cost of \$4,500,000, renovation costs of \$2,705,300, and project "soft" costs in the amount of \$2,020,551. Project "soft" costs include architectural fees, relocation expenses, market studies, loan fees, developer fees, project reserves, etc. The applicant intends to finance the project utilizing proceeds from the sale of tax credits in the amount of \$4,386,101, a permanent loan in the amount of \$3,823,013, a seller's note in the amount of \$577,326, and interim income and reserve balances in the total amount of \$439,411.

Rent amounts, net of utilities, for the apartments, are as follows: One-Bedroom, \$400; Two-Bedroom, \$525; Three-Bedroom, \$625; Four-Bedroom, \$725.

In accordance with City Council Resolution No. R-95-479, TRC has notified property owners within 200 feet of the proposed project, in order to allow them the opportunity to provide comment to the City Council regarding the project. City Council Resolution No. R-95-479 also requires that the City Council hold a public hearing. Upon closing the public hearing, the Council may vote on a motion to approve the resolution of support for the application of low-income housing tax credits. The resolution document has been approved as to form by the City Law Department.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Gray moved that the public hearing be closed; the resolution of support for the MDC application for Low-Income Housing Tax Credits with waiver of the 20% market-rate requirement, be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

RESOLUTION NO. 05-441

A Resolution establishing support for an application for low income tax credits, as required by the State of Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 7 to 0. Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

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LIQUOR TAX

SPECIAL LIQUOR TAX FUND ALLOCATIONS.

(Council Member Skelton momentarily absent)

Cathy Holdeman

Assistant City Manager introduced Maryann Fountain, Sedgwick County Comcare.

Maryann Fountain

Sedgwick County Comcare reviewed the item.

Agenda Report No. 05-0767

At its March 18, 2004 meeting the City Council authorized the issuance of a competitive Special Liquor Tax Request for Proposals (RFP) for the funding of 2005 calendar year projects. City staff issued a comprehensive RFP, which incorporated the City Council's guidelines for funding established at its December 1999 meeting, and solicited proposals in four categories: (1) alcohol and substance prevention and treatment programs; (2) detoxification programs; (3) case management programs; and (4) innovative projects. At its November 9, 2004 meeting the City Council acted on Coalition recommendations and selected seventeen (17) programs for funding in 2005. The contracts are written to be renewable contingent on funding and performance.

At its May 24, 2005 Workshop, the City Council received a presentation on Special Liquor Tax issues and programs. Council Members were asked to provide policy direction on the allocation of funding to providers, including both treatment and prevention programs, funding for administrative services, the role of the Special Liquor Tax Coalition and the needs of the community. Based upon the workshop discussion, staff will continue to utilize the Special Liquor Tax Coalition to assess needs and make funding recommendations to the City Council on both prevention and treatment programs that serve various age, ethnic and gender groups. Additionally, programs will be required to successfully perform as evidenced through outcome-based measurements.

Staff of COMCARE, which is the outside fund administrator, has conducted current program monitoring with all programs successfully meeting their outcomes and has reviewed first and second quarter outcome results with the Coalition. The consensus of Coalition members, based on these programs successfully meeting their specified program outcomes, is to recommend renewal of the program contracts for 2006.

Wichita ACTS, Inc. has been providing community-based case management services to at-risk youth and their families since 1995. Program outcomes addressed include reducing the number of unexcused hours of school attendance, reducing the number of out of school suspensions, and increasing GPA levels. Using these criteria, 80% of the students exiting the Wichita ACTS program during 2005 have done so successfully. A Wichita ACTS, Inc. funding provider has discontinued its funding and now ACTS has a significant funding shortfall that threatens their existence. The organization has approached the City and requested funding for a twelve-week life skills program that will take place in the schools and a Parenting Wisely Program conducted in students' homes. ACTS anticipates serving 250 students per year and outcome measurements will be used to document the success of the program in meeting substance abuse prevention goals.

The Council is being requested to approve 2006 contract renewals with the seventeen currently funded programs and to allocate \$50,000 in 2005 Special Liquor Tax contingency funding for a 16-month contract with the Wichita Acts Program. If approved all contracts will run through December 31, 2006.

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<u>Agency</u>	<u>2005 Funding Level</u>	<u>2006 Recommended funding</u>
Behavioral Health Center	\$ 98,865	\$ 98,865
Big Brothers/Big Sisters	\$ 73,400	\$ 73,400
Center for Health and Wellness	\$ 105,527	\$ 105,527
Communities in Schools	\$ 31,652	\$ 31,652
Friends of Recovery	\$ 10,000	\$ 10,000
Knox Center	\$ 34,215	\$ 34,215
Mental Health Association/Pathways	\$ 42,000	\$ 42,000
Indian Alcohol Treatment Services (IATS)	\$ 48,870	\$ 48,870
Miracles, Children's Prevention	\$ 71,800	\$ 71,800
Miracles, Case Management	\$ 150,000	\$ 150,000
Parallax, Detox.	\$ 275,870	\$ 275,870
Parallax, Chronic Relapse	\$ 109,410	\$ 109,410
Regional Prevention Center	\$ 149,070	\$ 149,070
Tiyospaye/Pueblo	\$ 70,000	\$ 70,000
Tiyospaye/CBC	\$ 68,535	\$ 68,535
Youth Development Services/Challenge Club	\$ 33,530	\$ 33,530
SACK	\$ 70,236	\$ 70,236
Wichita ACTS	\$ 0	\$ 50,000
Totals	\$1,442,980	\$1,492,980

2005/2006 funding will be available in the Special Liquor Tax Fund to contract with providers for the eighteen (18) recommended programs totaling \$1,492,980. These allocations fully obligate anticipated Special Liquor Tax revenue. The contracts will not obligate general fund monies.

Approval as to form by the Department of Law will be obtained prior to the execution of the 2005/2006 Special Liquor Tax provider contract and contract renewals.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Mayans moved that the 2005/2006 funding allocations and development of provider contract/contract renewals, based on those allocations, be approved; and the necessary signatures and budget transfers be authorized. Motion carried 7 to 0.

--carried

PLANNING AGENDA

Motion--carried

Mayans moved that the Planning Consent items be approved as presented. Motion carried 7 to 0.

ZON2005-00028

ZON2005-00028-ZONE CHANGE TO LIMITED COMMERCIAL AND AMENDMENT TO PROTECTIVE OVERLAY #11 ON PROPERTY ZONED GENERAL OFFICE. GENERALLY LOCATED NORTH OF MAPLE AND WEST OF 135TH STREET WEST. (DISTRICT V)

Agenda Report No. 05-0768

MAPC Recommendations: Approved, vote (10-0).

MAPD Staff Recommendations: Approved.

DAB Recommendations: Not applicable.

The applicant is requesting a zone change to "LC" Limited Commercial and an amendment to Protective Overlay (P-O) #11 on platted property currently zoned "GO" General Office. The subject property is located on the north side of Maple, approximately 300 feet west of 135th Street West. The objective of the zone change and P-O amendment is to allow for a 130 square foot sign for a banking facility. A previous Conditional Use on this property (CON2003-16) permitted the bank facility in GO zoning, and a previous amendment to P-O #11 (ZON2003-26) allowed for bank and office uses. Under existing GO zoning, this site is limited to 32 square feet of signage per tenant. The applicant desires a 130 square foot sign. LC zoning on this site without a P-O would permit signage up to 160 square feet.

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The applicant is not requesting changes to other provisions of the protective overlay. Existing provisions of P-O #11 require monument signs limited to 20 feet in height, limit light poles to 14 feet in height and restrict the amount of building lighting, requires additional landscaping, requires building materials with architectural compatibility and use of materials similar to surrounding residential uses and limits building height to 35 feet and two stories with the second story limited to 25 percent of the total building floor area. P-O #11 also limits the use of the property to: office, general; medical service; and bank or financial institution with a drive-through window.

The property to the east is developed with a brick medical office building. West of the site is a single-family residential subdivision. The property to the south is zoned "LC" Limited Commercial (DP-225 Auburn Hills Commercial C.U.P.) and developed with neighborhood commercial uses, including a drive-through bank. The northeast and southeast corners of the intersection of 135th Street West and Maple are zoned "LC" with a grocery store, other retail and vacant commercial land. The surrounding area beyond the commercial uses at the intersection are zoned "SF-5" Single-family residential and being developed with single-family uses except for the Auburn Hills Golf Course to the south.

The MAPC heard this request on July 14, 2005. No members of the public chose to speak at this public hearing. The action of the MAPC was to approve (10-0) the zone change request and amendment to P-O #11, subject to staff recommended conditions.

The ordinance has been reviewed and approved as to form by the Law Department.

Motion--

Mayans moved to concur with the findings of the MAPC and approve the first reading of the ordinance establishing the zone change to "LC" Limited Commercial and amending P-O #11. Motion carried 7 to 0.

--carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. (ZON 2005-28)

VAC2005-00024

VAC2005-00024-REQUEST TO VACATE THE RESTRICTION OF USES IN RESERVE E FOR FOREST LAKES WEST ADDITION, GENERALLY LOCATED NORTH OF 29TH STREET NORTH AND EAST OF TYLER ROAD. (DISTRICT V)

Agenda Report No. 05-0769

Staff Recommendation: Approve.

MAPC Recommendation: Approve (Unanimously).

The applicant is requesting consideration for the vacation of the restriction of uses in the plat's text for platted Reserve E, Forest Lakes West Addition. The uses that have been set-aside for Reserve E include: drainage purposes, landscaping, irrigation systems, entry monuments, pedestrian improvements and utilities confined to easements. The applicant requests the vacation to allow the additional uses of a neighborhood pool, a parking lot and a restroom/pump house while retaining the existing allowed uses in Reserve E. There are no manholes or sewer and water lines in the reserve. There is a 150-foot KGE/Westar easement in Reserve E. The Forest Lakes West Addition was recorded with the Register of Deeds on October 16, 1997.

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The MAPC voted (12-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.
Motion carried 7 to 0.

VAC2005-00025

VAC2005-00025-REQUEST TO VACATE A PORTION OF PUBLIC STREET RIGHT-OF-WAY, GENERALLY LOCATED ON THE NORTH SIDE OF 55TH STREET SOUTH AND WEST OF THE WICHITA-VALLEY CENTER FLOODWAY EASEMENT. (COUNTY)

Agenda Report No. 05-0770

Staff Recommendation: Approve.

MAPC Recommendation: Approve (Unanimously).

The applicant proposes closing this unimproved portion of West Street, located north of its intersection with 55th Street South, to control access onto the abutting properties and eliminate illegal dumping. This portion of West Street right-of-way (ROW) dead-ends on its north side against the Wichita-Valley Center Flood Control easement. There are no plans to extend West Street across the Wichita-Valley Center Flood Control easement. There are no manholes, sewer or water lines in the ROW. Westar has equipment in the ROW. Public Works uses the ROW as access to the Wichita-Valley Center Flood Control easement. If the vacated ROW is gated, access must be provided for utilities, Public Works and Fire. West Street at this location is an unimproved Waco Township road.

This site is located in an unincorporated portion of Sedgwick County (District #2) and within the City of Wichita's 3-mile ring jurisdiction. This triggers the requirement that the Wichita City Council must first consider the vacation request before it proceeds to the Sedgwick County Board of County Commissioners for final action.

The MAPC voted (12-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds, retain the vacated portion of ROW as an ingress-egress easement and a utility easement.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.
Motion carried 7 to 0.

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SUB2003-84

SUB2003-84-PLAT OF TWIN LAKES ADDITION, LOCATED ON THE SOUTH SIDE OF 21ST STREET NORTH AND ON THE EAST SIDE OF AMIDON. (DISTRICT VI)

Agenda Report No. 05-0771

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (8-0)

This site, consisting of eight lots on 24.45 acres, is a replat of a portion of the Lakeview Estates and the Lakeview Addition and is located within Wichita's city limits. A zone change (ZON 2003-25) from LC, Limited Commercial District; B, Multi-Family Residential District; GC, General Commercial District and GO, General Office District to LC, Limited Commercial District has been approved for this site. The site is also subject to the Twin Lakes Shopping Center Community Unit Plan (CUP 2003-25, DP-3). A Notice of Community Unit Plan (CUP) Certificate has been submitted.

Petitions, all 100 percent, and a Certificate of Petitions have been submitted for sanitary sewer, left and right-turn lane, accel/decel lane and traffic signalization improvements.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days. Publication of the Ordinance should be withheld until such time as the plat is recorded with the Register of Deeds.

The CUP Certificate and Certificate of Petitions will be recorded with the Register of Deeds.

Motion--

Mayans moved that the documents and plat be approved; the necessary signatures be authorized; the Resolutions be adopted and the Ordinance be placed on first reading, with publication being withheld until such time as the plat is recorded with the Register of Deeds.

-carried

Motion carried 7 to 0.

RESOLUTION NO. 05-426

Resolution of findings of advisability and Resolution authorizing construction of Lateral 15, Main R, Sanitary Sewer No. 20 (south of 21st, east of Amidon) 468-84040, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (ZON 2003-25)

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SUB2005-12

SUB2005-12-PLAT OF FALCON FALLS SECOND ADDITION, LOCATED NORTH OF 45TH STREET NORTH AND WEST OF HILLSIDE. (DISTRICT I)

Agenda Report No. 05-0772

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

This site, consisting of 188 lots on 77.35 acres, is located within Wichita's city limits and is zoned SF-5, Single-Family Residential District.

Petitions, 100 percent, and a Certificate of Petitions were submitted for sewer, water, paving, drainage and left-turn lane improvements. Restrictive Covenants were submitted to 1) provide four off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street, and 2) provide for the creation of a lot owners' association for the ownership and maintenance of the proposed reserves.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

The Certificate of Petitions and Restrictive Covenants will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-427

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90105 (north of 45th street north, west of Hillside) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-428

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90106 (north of 45th street north, west of Hillside) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-429

Resolution of findings of advisability and Resolution authorizing construction of Lateral 6, Main 13, Sanitary Sewer No. 23 (north of 45th street north, west of Hillside) 468-84065 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

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RESOLUTION NO. 05-430

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 275 (north of 45th street north, west of Hillside) 468-84067 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-431

Resolution of findings of advisability and Resolution authorizing constructing pavement on Kite from the east line of the plat, west to the west line of the plat, and on Marblefalls from the south line of Kite, south to the south line of Lot 38, Block C, and on Kite Court (Lots 11 through 17, Block D) from the north line of Kite, north to and including the cul-de-sac; and on Kite Court (Lots 31 through 41, Block A) from the south line of Kite, south to and including the cul-de-sac; and on Kite Court (Lots 42 through 53, Block A) from the south line of Kite, south to and including the cul-de-sac and that sidewalk be constructed on Kite and Marblefalls (north of 45th street north, west of Hillside) 472-84264 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

SUB2005-52

SUB2005-52-PLAT OF PRAIRIE BREEZE ESTATES ADDITION, LOCATED ON THE NORTH SIDE OF 39TH STREET SOUTH AND WEST OF WEBB ROAD. (COUNTY)

Agenda Report No. 05-0773

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (7-5)

The five Planning Commissioners that voted in opposition had concerns regarding lot sizes and drainage. A number of people spoke in opposition to the plat stating that the proposed one-acre lots do not fit in with the larger existing lot pattern. Opponents also expressed concern over existing drainage problems, and the impact water wells would have on their wells.

This unplatted site, consisting of 28 one-acre lots on 34 acres, is located in the County, but within three miles of Wichita's city limits and is zoned SF-20, Single-family Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for future sewer and water improvements. Paving improvements will be handled by the County. County Code Enforcement has approved the use of an on-site alternative sewer system.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

There are no financial considerations.

The Certificate of Petitions will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 7 to 0.

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RESOLUTION NO. 05-432

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90110 (north of 39th street south, west of Webb) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-433

Resolution of findings of advisability and Resolution authorizing construction of Lateral 165, War Industries Sewer (north of 39th street south, west of Webb) 468-84068 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

SUB2005-53

SUB2005-53-PLAT OF REMINGTON PLACE FOURTH ADDITION, LOCATED SOUTH OF 21ST STREET NORTH AND EAST OF WEBB ROAD. (DISTRICT II)

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

This site, consisting of four lots on 1.76 acres, is a replat of a portion of Remington Place Third Addition and is located within Wichita's city limits. This site is zoned SF-5, Single-family Residential District.

Municipal services are available to serve the site. A Restrictive Covenant was submitted to provide four off-street parking spaces per dwelling unit on each lot that abuts a 32-foot street. The Covenant also provides for the continued ownership and maintenance of previously platted reserves in Remington Place Third Addition. This site proposes platting narrow street right-of-way with adjacent 15-foot street, drainage and utility easements; therefore, the Restrictive Covenant outlines restrictions for lot-owner use of the easements.

This site is within the noise impact area of Colonel James Jabara Airport; therefore, an Avigational Easement and a Restrictive Covenant were submitted to assure that adequate construction methods will be used to minimize the effects of noise pollution in the habitable structures constructed on subject property.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

There are no financial considerations.

The Avigational Easement and Restrictive Covenants will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved and the necessary signatures authorized. Motion carried 7 to 0.

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SUB2005-64

SUB2005-64-PLAT OF TYLER'S LANDING THIRD ADDITION, LOCATED ON THE SOUTH SIDE OF 37TH STREET NORTH AND EAST OF TYLER ROAD. (DISTRICT V)

Agenda Report No. 05-0775

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

This site, consisting of 161 lots on 59.45 acres, is located within Wichita's city limits and is zoned SF-5, Single-family Residential District.

Petitions, 100 percent and a Certificate of Petitions were submitted for sewer, water, paving and drainage improvements. Restrictive Covenants were submitted to 1) provide four off-street parking spaces per dwelling unit on each lot that abuts a 58-foot street, and 2) provide for the creation of a homeowners' association for the ownership and maintenance of the proposed reserves.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

There are no financial considerations.

The Certificate of Petitions and Restrictive Covenants will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 05-434

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90103 (south of 37th street north, east of Tyler) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-435

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90104 (south of 37th street north, east of Tyler) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

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RESOLUTION NO. 05-436

Resolution of findings of advisability and Resolution authorizing construction of Lateral 24, Main 19, Southwest Interceptor Sewer (south of 37th street north, east of Tyler) 468-84063 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-437

Resolution of findings of advisability and Resolution authorizing construction of Lateral 25, Main 19, Southwest Interceptor Sewer (south of 37th street north, east of Tyler) 468-84064 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-438

Resolution of findings of advisability and Resolution authorizing constructing pavement on Conrey from the west line of Lot 14, Block A, east to the east line of Forest Ridge, on Forest Ridge from the north line of Conrey, south and east to the east line of Lake Ridge, on Lake Ridge from the south line of Forest Ridge, south to the south line of the plat and on Lake Ridge Court from the east line of Lake Ridge, east to and including the cul-de-sac and on Forest Ridge Court (Lots 20 through 29, Block A), from the east line of Forest Ridge, east to and including the cul-de-sac, and on Forest Ridge Court (Lots 30 through 45, Block A) from the east line of Forest Ridge, east to and including the cul-de-sac, and on Conrey Court from the south line of Conrey south to and including the cul-de-sac and that sidewalk be constructed on Conrey, Forest Ridge and Lake Ridge (south of 37th street north, east of Tyler) 472-84262 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

RESOLUTION NO. 05-439

Resolution of findings of advisability and Resolution authorizing constructing pavement on Pepper Ridge from the north line of the plat south to the north line of Conrey; on High Point from the west line of Pepper Ridge, west and south to the south line of Conrey, and on Conrey from the west line of High Point east to the west line of Lot 14, Block A, and on High Court, from the east line of High Point, east to and including the cul-de-sac, and on Conrey Court from the south line of Conrey, south to and including the cul-de-sac and that sidewalk be constructed on Pepper Ridge, High point and Conrey (south of 37th street north, east of Tyler) 472-84263 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

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DED2005-20

DED2005-20-DEDICATION OF STREET RIGHT-OF-WAY, LOCATED SOUTH OF CENTRAL AND WEST OF 127TH STREET EAST. (DISTRICT II)

Agenda Report No. 05-0776

MAPC Recommendation: Accept the Dedication. (12-0)

This dedication is associated with a lot split case (SUB 2004-129), and is for ten feet of additional street right-of-way along Jackson Heights Avenue. This dedication is contingent upon the widening of Jackson Avenue.

The Dedication has been reviewed and approved by the Planning Commission.

There are no financial considerations.

The Dedication will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedications be accepted. Motion carried 7 to 0.

DED2005-21

DED2005-21-DEDICATION OF A UTILITY EASEMENT AND DED2005-22; DEDICATION OF STREET RIGHT-OF-WAY FOR PROPERTY LOCATED ON THE NORTH SIDE OF 21ST STREET NORTH AND WEST OF HILLSIDE. (DISTRICT I)

Agenda Report No. 05-0777

MAPC Recommendation: Accept the Dedication. (12-0)

The dedications are associated with Lot Split No. SUB 2004-68, and are for construction and maintenance of public utilities and additional street right-of-way along 21st Street.

The Dedications have been reviewed and approved by the Planning Commission.

There are no financial considerations.

The Dedications will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedications be accepted. Motion carried 7 to 0.

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AIRPORT AGENDA

Motion--carried Mayans moved that the Airport Consent items be approved as presented. Motion carried 7 to 0.

SKYCAP SERVICES **SUPPLEMENTAL AGREEMENT NO. 6-SKYCAP SERVICES.**

Agenda Report No. 05-0778

Harrison Armstrong manages the skycap operation on Wichita Mid-Continent Airport as an independent contractor. Mr. Armstrong is responsible for managing the program, maintaining adequate staffing, and providing baggage handling and passenger assistance services to the general public on a daily basis.

Wichita Mid-Continent Airport serves approximately 1.5 million passengers each year. Provision of skycaps to assist travelers is a service that Wichita's travelers have come to appreciate. Typically, this level of service is featured at larger airports. Although the airlines are not in a position to provide skycaps, it is recommended that the airport expend the effort and assist in providing this service to the traveling public.

Cost to the WAA for the management of this program is \$31,666 per year. The agreement is for a two-year period, and then month-to-month thereafter. In the event increased coverage is required, an additional \$3,000 per year is provided for in this supplement, which will allow adjustment of the established rate, if the increase can be substantiated.

Motion-- Mayans moved that the Agreement be approved and the necessary signatures be authorized. Motion
--carried carried 7 to 0

CONDEMN. AWARD **PAYMENT OF CONDEMNATION AWARD, CASE NO. 05 CV 686, MID CONTINENT AIRPORT RUNWAY PROTECTION. (DISTRICT IV)**

Agenda Report No. 05-0779

The Airport Authority has identified the need to acquire a tract of land located south of Mid-Continent Airport in order to provide necessary runway protection as required by the FAA. This tract of land (53.22 acres) is owned by Roger and Marsh Haag. Earlier this year the City initiated eminent domain proceedings to acquire this property. On July 25, 2005, the court appointed appraisers filed their award. They determined the compensation to be paid for the acquisition of the property to be \$1,665,000.00. The court awarded the three appraisers fees in the amount of \$4,000.00 each. Court costs are \$111.

In order for the Airport Authority to acquire this property, it must pay the award, together with fees and costs, to the Clerk of the District Court on or before August 24, 2005.

A budget of \$1,685,000 is requested for the acquisition and administration costs. The costs of acquiring this property will be paid with Passenger Facility Funds.

The Airport Authority has until August 24, 2005, to decide whether or not to acquire the property. If payment is not made to the Clerk by that date, the eminent domain is deemed abandoned.

Motion-- Mayans moved that the payment to the Clerk of the District Court in the amount of \$1,677,111.00 for
--carried acquisition of property interests condemned in Case No. 05 CV 686 be authorized. Motion
carried 7 to 0.

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MONTEZUMA

6916 WEST MONTEZUMA FOR WICHITA MID-CONTINENT AIRPORT.

Agenda Report No. 05-0780

The Mid-Continent Airport master plan indicates the acquisition of real estate within the boundaries of West Harry Street, Ridge Road, Airport Road and Mariposa for airport related development. The property located at 6916 Montezuma lies within this boundary, and is zoned Limited Industrial.

The property was appraised in May 2005 and the appraised value of \$83,000 was offered to the owner. The owner has agreed to sell the property for this amount.

A budget of \$110,000 is requested and includes the purchase price, demolition, site clean up, administrative services, title work and closing costs. The cost of this acquisition will be paid for with General Obligation Bonds funded with Airport Revenue.

The Law Department has approved the resolution and contract as to legal form.

Motion--
--carried

Mayans moved that the Budget be approved; the resolution adopted; the acquisition approved and the Mayor authorized to sign the necessary documents. Motion carried 7 to 0.

RESOLUTION NO. A-05-008

A Resolution declaring that a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of certain capital improvements to the Wichita Mid-Continent Airport Facility; and setting forth the nature of said improvements; the estimated cost thereof; and the manner of payment of same, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

CITY COUNCIL

APPOINTMENTS

BOARD APPOINTMENTS.

- | | |
|------------------------|-------------------------------------------------------------------------------------------------------------------|
| Council Member Brewer | Council Member Brewer requested to appoint Lorenzo Breckenridge to the Arena Citizen Design Review Advisory Team. |
| Council Member Fearey | Council Member Fearey requested to appoint Whitney Vliet-Ward to the Arena Citizen Design Review Advisory Team. |
| Council Member Gray | Council Member Gray requested to appoint Jarrold Marsh to DAB IV. |
| Council Member Martz | Council Member Martz requested to appoint Dana Gsell to Sister Cities and Justin Graham to the BZA. |
| Council Member Skelton | Council Member Skelton requested to appoint Franklin Bergquist to the Arena Citizen Design Review Advisory Team. |
| Motion--carried | Mayans moved that the appointments be approved. Motion carried 7 to 0. |

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ADJOURNMENT

Motion--carried

Mayans moved to adjourn the City Council Meeting. Motion carried 7 to 0.

The City Council meeting adjourned at 10:11 a.m.

Respectfully submitted,

Karen Sublett
City Clerk